

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.12424 of 2018

AND CRL.MP.NO.7129 OF 2018

R.KANDAVEL

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

CENTRAL CRIME BRANCH,

SALEM TALUK, SALEM DISTRICT,

CR.NO.28 OF 2007.

D.SINGARAM

[INTERVENER PETITINER/DEFACTO COMPLAINANT]

[Ordered as per order of this court dated 21/06/2018, made in
Crl.MP.No.7129 of 2018]

For Petitioner : M/S.S.PERIYASAMY Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S.K.KALAIKOAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.28 of 2007 registered by the respondent police for the offence punishable under Section 420 of IPC.

2. The case of the prosecution as per the defacto complainant Singaram, wife of Dharmalingam is that the petitioner was the channel partner of Bajaj Allianz Insurance Company and another company viz., Team Life Care Company India Private Limited and that they have cheated the defacto complainant to the tune of Rs.14,00,000/-.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the respondent has completed investigation and has filed final report before the learned Judicial Magistrate-III, Salem and the case has been taken on file in C.C.No.41 of 2018 and that even without issuance of summons, the learned Magistrate issued warrant and the petitioner apprehends the

arrest by the respondent police.

4. The learned counsel for the intervenor strongly opposed to grant anticipatory bail to the petitioner stating that the petitioner has cheated several persons and the total amount cheated comes about more than Rs.2,00,00,000/-.

5. The learned Additional Public Prosecutor appearing for the State would submit that the investigation in this case is over and the respondent has filed the final report on 28.03.2018 before the learned Judicial Magistrate-III, Salem and the learned Magistrate, without issuance of summons, has issued Non-Bailable Warrant on 18.04.2018. He would submit that the case has been posted for hearing on 09.07.2018.

6. Taking into consideration the facts of the case and also the submission made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioner shall appear before the learned Judicial Magistrate-III, Salem daily at 10.30.a.m. until further orders.

(iii) the petitioner shall furnish the proof of residence and the learned Magistrate concerned shall accept the sureties after verification of residential proof.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
SALEM TALUK, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.PERIYASAMY Advocate on payment of necessary charges IN SR.NO. 11238

+1CC to M/S.K.KALAIKOVAN Advocate on payment of necessary charges IN SR.NO. 11238

CRL OP.12424/2018
AND CRL.MP.NO.7129 OF 2018

Date :21/06/2018

MLT-27/06/2018